

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

April 19, 2000
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlicek, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Fire Chief Marvin Calvin, and City Clerk Kevin Halliday.

The Housing and Redevelopment Authority Minutes of March 21, and Planning Commission Minutes of April 12, 2000, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of April 5, Municipal Utilities Commission Minutes of April 10, Rice Hospital Board Minutes of April 12, Building Inspection Report for March, and Airport Commission Minutes of April 4, 2000. Council Member Christianson seconded the motion, which carried.

The Mayor and Council discussed the Housing and Redevelopment Authority minutes, questioning the validity of survey results of the subsidized housing needs of elderly persons as conducted by Health Planning and Management Resources, Inc. The Housing and Redevelopment Authority Minutes of March 21, 2000, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Kelly, and carried.

The Mayor and Council discussed Item No. 4, Willmar City Sanitation Conditional Use Permit, in the Planning Commission Minutes. Concerns were expressed regarding the location of dumpsters and dump trucks so close to the Downtown. The Planning Commission Minutes of April 12, 2000, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Kelly, and carried.

At 7:08 p.m. Mayor Heitke opened the hearing to consider a request from Care Transportation, Inc., also known as Yellow Cab Taxi, to increase taxi fares. Mary Jacobson, Customer Service Manager of Care Transportation, Inc., presented to the Mayor and Council information regarding the need for a proposed increase in fares as follows: 1) the cost of fuel has a direct affect on a driver's ability to make a profit; 2) the difficulty maintaining good drivers; 3) the reduction in operations since KAT services have reduced the number of cabs from eight to four; and 4) the pending costs of installing a global positioning system verifying vehicle locations which provides increased driver safety. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:12 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, Care Transportation, Inc. (Yellow Cab), a duly licensed taxi cab operator in the City of Willmar has petitioned for an increase in rates now being charged by said cab company; and

WHEREAS, the City Council of the City of Willmar has, following published

notice, conducted a hearing and received evidence with respect to the request for a rate increase; and

WHEREAS, the City Council of the City of Willmar has duly considered the evidence adduced at said hearing and has duly considered the rate increase request and finds that the request for a rate increase is reasonable and justified.

NOW, THEREFORE, BE IT RESOLVED that Care Transportation, Inc., (Yellow Cab) be and hereby is allowed to change its rate structure as follows:

Increase the per mile rate up to \$1.60 per mile.

AND BE IT FURTHER RESOLVED that said rates shall become effective on the 20th day of April, 2000.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:18 p.m. Mayor Heitke opened the hearing on an Ordinance Regulating Barking Dogs in the City of Willmar. City Attorney Ronning presented details of the proposed Ordinance prohibiting habitually barking dogs. Mr. Ronning noted the Police Department receives numerous barking dog complaints and most are handled without enforcement action. However, when enforcement action has been appropriate, there is nothing in the present Ordinance that deals specifically with barking dogs. Several citizens appeared before the Mayor and Council to express their opposition or support of the proposed Ordinance. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:26 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number, and order final publication of the Ordinance Regulating Barking Dogs in the City of Willmar. Council Member Houlahan seconded the motion, which failed on a roll call vote of Ayes 4, Noes 4 - Council Members Christianson, Anderson, Dokken, and Kelly voted "No." The motion failed as five affirmative votes are necessary for an ordinance to pass.

Mayor Heitke recognized Lowell Flaten, representing MnDOT, who presented a Highway #23 update. Mr. Flaten reviewed the past timetable of the proposed improvement between Willmar and Richland Avenue, which began in 1995. The four-lane, divided rural highway will be developed to a proposed four-lane, divided urban section between south of Spicer to the north side of Nest Lake. The project schedule was discussed which concluded in 2004. Mr. Flaten presented computer-generated photos of the completed four-lane project. This information was received for information only.

Mayor Heitke read a Proclamation proclaiming the month of May, 2000, as Arbor Month in the City of Willmar. The Mayor noted the City plants 450 trees and the Willmar Municipal Utilities plants 800 trees, and there are approximately 200 trees lost each year due to disease or storms.

Gene South, CEO of EN-TEL, appeared before the Mayor and Council to introduce his firm and plans to deploy high-speed data and local and long distance services to the residents and businesses of Willmar. The members of EN-TEL are Hutchinson Telephone Company of Hutchinson, Lakedale Communications of Annandale, Sherburn Telephone Systems of Big Lake, Wright-Hennepin Cooperative Electric Association of Rockford, and Allied Power of Willmar. In addition to local telephone service, there will be custom calling and CLASS features, voicemail, Centrex and frame relay. EN-TEL has plans to build the infrastructure of fiber and copper cable by year's end. This information was received for information only.

Mayor Heitke called for a recess at 8:22 p.m. and reconvened the meeting at 8:32 p.m.

The Finance Committee Report of April 10, 2000, were presented to the Mayor and Council by Council Member Kelly. There were four items for Council consideration.

Item No. 1 The Committee reviewed a proposal from the Pioneerland Library Board Chairman to enter into a new Joint Powers Agreement. The proposal is in response to concerns expressed to improve dispute resolution, clarify ownership issues and protection of assets. Following review, the Committee was recommending to the Council that the Mayor and City Administrator be authorized to sign the agreement upon review and approval of the City Attorney. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Joint Powers Agreement between the City of Willmar and Pioneerland Library Services.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed a proposed budget amendment to the 2000 Street Improvement Program to account for additional revenue generated from the detour of Highway 12. The amount recovered from the State to cover useful life of the detour amounted to approximately \$10,300. The Committee was recommending to the Council that the 2000 Street Improvement Budget be increased, and additional revenue be applied to cover a portion of the costs for underground work on Highway 12. Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the 2000 Street Improvement Budget:

Increase: Appropriations - Other Services	\$10,300
Increase: Estimated Revenue - State Reimbursement	\$10,300

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed a request from Kandilink for a \$500 City contribution for the year 2000. The funds are used to help defray costs associated with promoting and monitoring telecommunication issues in the greater Willmar area. The Committee was recommending to the Council approval of the request as submitted. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Anderson seconding the motion, which carried.

Item No. 4 The Rice Hospital Laundry Service Report was delayed until the April 24, 2000, meeting. This matter was for information only.

The Finance Committee Report of April 10, 2000, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Anderson, and carried.

The Public Works/Safety Committee Report of April 11, 2000, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee reviewed information regarding a live-training burn at 5340 15th Avenue Southwest on April 20, 2000. The structure being burnt is located on a site purchased for the new airport. This matter was for information only.

Item No. 2 The Committee considered a proposed amendment to the present weed ordinance. Changes to the ordinance include increasing the height from greater than six inches to seven inches and includes grass in addition to weeds. Also included is a \$35 administrative charge to be added to the labor costs. The Committee was recommending to the Council approval of the ordinance as presented and introduce for public hearing. Council Member Reese offered a motion to introduce the Ordinance Amending the Municipal Code Sections Concerning Cutting of Weeds and to schedule a hearing on May 3, 2000. Council Member Kelly seconded the motion, which carried.

Item No. 3 The Committee was informed by staff that it was time to schedule assessment hearings for the 2000 Street and Other Improvements. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

CALLING HEARING ON ASSESSMENTS FOR PROJECTS 0001 AND 0002 - STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Projects 0001 and 0002 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on May 17, 2000, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
3. Such notice shall be in substantially the following form (on file in the City Clerk's Office).
4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

CALLING HEARING ON ASSESSMENTS FOR
TH 12 DOWNTOWN BYPASS IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for T.H. 12 Downtown Bypass Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on May 17, 2000, at 7:03 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.

2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

3. Such notice shall be in substantially the following form (on file in the City Clerk's Office):

4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee discussed liquor compliance, which was referred back for further review. Staff presented a letter from the League of Minnesota Cities addressing the issue of establishing a uniform procedure for imposing administrative penalties for liquor code violations. Under this act an alleged violator is entitled to a hearing after receipt of reasonable notice.

The Committee was recommending to the Council to refer the matter of liquor compliance to the City Attorney to bring a recommendation back to the Committee. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 5 Staff informed the Committee of a meeting with representatives of Kandiyohi County Soil and Water Conservation District to discuss overall usefulness of Robbins Island. Items addressed were the shoreline, density, trees/vegetation, and septic system. The Soil and Water Conservation has offered to do a study of the area in regard to usefulness and make a recommendation to the City Council.

Also discussed was the possibility of obtaining Minnesota River Watershed Grants. These grants are available for water management issues. The Committee was recommending to the Council to direct staff to pursue a Comprehensive Study of Robbins Island and the surrounding area. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 The Committee reviewed correspondence from the Soil and Water Conservation District in relation to the restoration of Grass Lake. The County is proposing going ahead with the project on a smaller scale by building up

existing ditch banks and constructing dams with water control structures in other areas. This matter was for information only.

Item No. 7 The Committee reviewed correspondence from MnDOT in relation to the highway projects planned for this area and the scheduling. It was noted the T.H. 12 Downtown Bypass Project schedule was revised to start April 17, 2000 instead of July, 2000. This matter was for information only.

The Public Works/Safety Committee Report of April 11, 2000, was approved as presented upon motion by Council Member Reese, seconded by Council Member DeBlicek, and carried.

The Labor Relations Committee Report of April 12, 2000, was presented to the Mayor and Council by Council Member Christianson. There were two items for Council consideration.

Item No. 1 The Committee considered a staff proposal to create a third Assistant Chief position at the Willmar Fire Department. Fire Chief Calvin explained that in addition to the traditional firefighting duties, the appointed position would be responsible for all Department training programs and scheduling, and would assume a key roll in the orientation and development of new firefighters. The "Training Chief" would be compensated at the same rate of the First and Second Assistant Chiefs (\$1,500 annually) and would report directly to the Fire Chief.

The Committee was recommending to the Council that the position classification of Training Chief be approved as presented. Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 2 The Committee meeting was closed for the purpose of reviewing the status of the firefighter/City lawsuit, and to discuss compensation strategies for Willmar Fire Department personnel. The meeting reopened and this matter was for information only.

The Labor Relations Committee Report of April 12, 2000, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Planning and Development Director Peterson presented to the Mayor and Council for consideration a plat for Eagles Landing Twin Fifth Addition, a two-lot plat designed to accommodate a twin-home. It was noted the Planning Commission has approved the plat on the condition that assessments be paid or reapportioned prior to plat filing. Council Member Kelly offered a motion to approve the plat with said conditions. Council Member Anderson seconded the motion, which carried.

Planning and Development Director Peterson presented to the Mayor and Council for consideration a plat for Industrial Addition, a two-lot plat. One lot includes the Floor to Ceiling Store, and the other lot is the vacant area north of the store. It was noted the Planning Commission approved the plat on the condition that easements be added as requested by the Willmar Municipal Utilities. Council Member Fagerlie offered a motion to approve the plat with said condition. Council Member Christianson seconded the motion, which carried.

Planning and Development Director Peterson informed the Mayor and Council that the City has received a petition to vacate all of 25th Avenue Northeast and adjacent snow storage easements in the plat of Country Club Terrace. It was noted the Planning Commission has reviewed and approved of the vacation. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER
THE VACATION OF A PUBLIC STREET AND EASEMENTS

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:02 p.m. on Wednesday, May 3, 2000, in the Council Chambers at the Municipal Utilities Commission Building, 700 West Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition for the vacation of that portion of the dedicated street and easements in the plat of Country Club Terrace as described below:

All of Crestview Road (now known as 25th Avenue NE) as platted in Country Club Terrace, as of public record, Kandiyohi County, Minnesota, and the 13.00 foot snow storage easement adjacent to each side of said Crestview Road.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council reviewed an application from the Eagles Aerie 2334 for a Premise Permit. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE EAGLES AERIE 2334

WHEREAS, the Eagles Aerie 2334 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Eagles Aerie 2334, 136 West 6th Street, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Eagles Aerie 2334 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Eagles Aerie 2334.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council reviewed an application from the VFW Post 1639 for a Premise Permit. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE VFW POST 1639

WHEREAS, the VFW Post 1639 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the VFW Post 1639, 1108 East Highway 12, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the VFW Post 1639 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the VFW Post 1639.

Dated this 19th day of April, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, April 24; Public Works/Safety, April 25; and Airport, May 2, 2000.

Mayor Heitke reminded the Council, staff and citizens of Willmar of the Mayor's Prayer Breakfast on April 24, 2000, featuring Luis Palau.

At this time the Mayor and Council received the following 1999 Annual Reports: Public Works Department, Director Mel Odens; Civic Center, Arena Supervisor Kevin Madsen; and Community Education and Recreation, Supervisors LeAnne Freeman and Dave Gort.

There being no further business to come before the Council, the meeting adjourned at 10:03 p.m. upon motion by Council Member Kelly, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL